



05-24-C(

2141-1761

In the United States Patent and Trademark Office

Serial Number: 09/641,410
Preliminary class: 426
Appn. Filed: 08/18/2000
Applicant: Alice O. Kiely
Appn. Title: Edible supports for Comestibles with Optional, Edible Mess Guards and Drip Guards
Examiner/GAU: /1761

Mailed May 23, 2001

At: Yorktown Heights, NY

Request for Reconsideration of Drawing Sheet 19/19

Commissioner for Patents
Box DAC
Washington, District of Columbia 20231

Sir:

In response to correspondence dated March 29, 2001, Decision Dismissing Petition, applicant submits the matter included in Figures 41A-41D, 42, and 43 (sheet 19/19 of the above application) as an amendment for reconsideration by the examiner as permitted under Sections 608.02(p) and 608.04 of the Manual of Patent Examining Procedure and noted in the above dismissed petition.

With regard to Section 608.02(p), of the Manual of Patent Examining Procedure,

Correction of Drawings, applicant has enclosed the matter in the figures above, on a separate paper showing the proposed changes, correcting the figure numbers in red for approval by the examiner.

With regard to Section 608.04 of the Manual of Patent Examining Procedure, New Matter by Preliminary Amendment, applicant requests the matter in the Figures 41A-41D, 42, and 43, above be treated as part of the original disclosure. The matter in the above figures is not new matter. Applicant has enclosed a copy of the oath or declaration submitted at the time of the filing of the above application, identifying 107 pages of specification and 19 sheets of drawing which the inventor has "reviewed and understands" as required by 37 CFR 1.63 to be the complete disclosure. Sheet 19/19 contains the matter included in Figures 41A-41D, 42, and 43 and was filed as part of the original disclosure.

Applicant filed this complete disclosure comprising 107 pages of specification and 19 sheets of formal drawing with this declaration on August 18, 2000, and had received a return receipt postcard listing 107 pages of specification and 19 sheets of formal drawing. This postcard was dated 08/18/00 and given the serial number 09/641,410 from the United States Patent and Trademark Office documenting the filing of a full case at the time of filing. A copy of this postcard is enclosed.

The 107 pages of specification, of the above application specifically describes the matter in Figures 41A-41D, 42, and 43 (sheet 19/19) in precise detail. Specifically, pages 10, 12, 23-24, 33, 41, 43, 47, 70-71, 77-78, 81-82, 85, and 91 of the specification describe Figures 41A-41D, 42, and 43. Pages 77-78 and 81-82 describe the figures at length within the heading of the description of the figures, using detailed language such as "Fig 41C is dense cookie 96 in the shape of a gingerbread man supported by support 60. Additional fun ingredients 100 gives the gingerbread man a smile and clothing fasteners" (page 77).

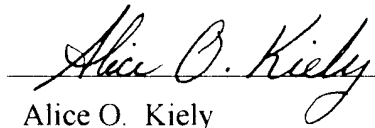
Drawing sheet 19/19 submitted on the filing date above is the very same matter as that found in figures 41A-41D, 42, and 43. The drawing figures on sheet 19/19 as filed, however, were labeled as Figures 43A-43D, 44A and 44B instead of Figures 41A-41D, 42, and 43, which

applicant desires to correct.

Also, the matter in Figures 41A-41D, 42, and 43 is claimed under the limitations of claims 1-3, 5-10, 13, 15-17, 19-21, and 24-28 in the above application.

Applicant would be most grateful for the inclusion of page 19/19 as part of the original disclosure of the above application and that the above application, comprising 107 pages of specification and 19 sheets of formal drawing be accorded the original date of August 18, 2000, as filed.

Very Respectfully,


Alice O. Kiely

Enc. Copy of sheet 19/19 with proposed Figure number corrections
 Copy of oath or declaration dated August 18, 2000
 Copy of receipt postcard dated August 18, 2000
 Return receipt postcard for the above correspondence
 mailed by applicant May 23, 2001

Address: 71 Stonewall Court
 Yorktown Heights, NY 10598

Please type a plus sign (+) inside this box → ☒

Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No.

First Inventor or Application Identifier

ALICE O. KIELY

Title

EDIBLE SUPPORTS FOR COMESTIBLES

Express Mail Label No.

EK905188656US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages 107]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 19]
4. Oath or Declaration [Total Pages 128]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 16 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

* **NOTICE FOR ITEM 1 & 13:** IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.37), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.38).

ADDRESS TO:

Box Patent Application
Washington, DC 20231

5. ☐ Microfiche Computer Program (Appendix)
6. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
9. ☐ English Translation Document (if applicable)
10. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
13. ☒ * Small Entity Statement(s) ☐ Statement filed in prior application, Status still proper and desired (PTO/SB/09-12)
14. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
15. ☐ Other:

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:
☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: _____

Prior application information: Examiner _____

Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

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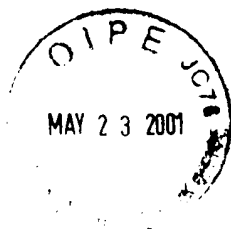
Signature

Alice O. Kiely

Date

8-5-2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



The following received today
Patent application for Alice Kizly
for "E S for Com." consisting of
107 pages of specification, claims
and abstract, declaration signed 2000
Aug. 18. 19 sheets formal drawing, small
entity declaration, check nr. for
\$495.00 2 Fee transmittal copies, IDS

Jc784 U.S. PRO

09/641410

